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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,184	01/24/2001	Max G. Paping	00771.00011	2121

22907 7590 07/30/2002

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ART UNIT	PAPER NUMBER
1773	6

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/700,184	PAPING	
	Examiner RESAW	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1

- 18) Interview Summary (PTO-413) Paper No(s). _____
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 7, 8, 11-16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 18 are deemed indefinite since claims 1 and 14 from which they depend require at least a three-layer laminate.

Claims 7, 8, 12, 13 and 15 are deemed indefinite due to the term “optionally”, “for instance” and “or the like” (See MPEP 2173.05).

Claim 11 is deemed indefinite since there is no antecedent basis in claim 1 for an “edge zone” or “free edge”.

Claim 15 is deemed indefinite since there is no antecedent basis for a “prelaminate”.

Claim 14 is deemed indefinite since the relative position of the layers is not set forth.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3, 6, 7, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Clark U.S. 2,599,047.

Art Unit: 1773

5. Claims 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 15 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Carroll et al 3,670,438.

See figures, col. 1, lines 56-75, col. 2, and lines 17-19

6. Claims 1, 3, 4, 5, 7, 13, 14, and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bump Jr. et al 5,398,437.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (of record) in view of the cumulative teachings of Clarke, Carroll et al, Bump Jr. et al and Darago.

Sano et al disclose a magnetically attachable sign, which is detachably applied to a body panel of a vehicle (col. 1, lines 14-16). Sano et al do not disclose a light active layer with signaling properties.

However Clark, Carroll et al, Bump Jr. et al each disclose a magnetically attachable sign having a light active layer with signaling properties. It would have been therefore manifestly obvious to one of ordinary skill in the art to use the flexible sign of Sano et al in the form of a warning sign with a light active outer surface as claimed and as taught by Clark, Carroll et al and Bump Jr. et al, since it could be more easily manufactured.

The limitations of claims 2-9, 11-15 are taught by the above references as indicated in the rejection under 35 USC 102(b) above.

While these references do not teach the anisotropic character of the magnetic sheet (as in claim 10) it would have been obvious to one of ordinary skill in the art to impart anisotropic properties by magnetization (as in claim 16) to enable rolling up of the magnetic sheet of Sano et al since this was old in the magnetic film art at the time of the invention (See Karalus cited below, col. 3, lines 33-40).

While the references do not specifically teach connecting all the layers by thermal activation, or coextrusion as in claims 16, 17, these processes are art recognized equivalent attachment means. Substitution of equivalents requires no express motivation. In re Fount 213 USPQ 532(CCPA 1982); In re Siebentritt 152 USPQ 618 (CCPA 1967); Graver Tank Mfg. Co. Inc. vs. Linde Air Products Co. 85 USPQ 328 (USSC 1950).

Darago is included in this rejection for teachings of including one edge of a magnetic sign with an edge which maybe placed in a window, which when the window is rolled up, (as in claim 13) prevents theft of the sign (See col. 2, lines 43-44). Therefore it would have been obvious to one of ordinary skill in the art to provide such an edge for the same purpose in the sign of Sano e al.

9. The prior art made of record and not relied upon is considered pertinent to applicants disclosure:

Nesbitt is cited for teaching the use of elastomeric sheet filled with magnetizable particles for direct applications to a motor vehicle.

Mosowitz is cited for teaching a magnetic sign made of molded plastic having magnets cemented thereto.

Art Unit: 1773

Karalus is cited for teaching the alignment of magnetic particles to give a tape anistopic character allowing the tape to be rolled up without any repelling forces (col. 1, lines 33-39).

Weeks is cited for teaching an overhang of a magnetic vehicle sign without magnets in order to enable easier detachment of the sign from the vehicle (col. 1, lines 31-33).

Pieters is cited for teaching a support member mounted by a plurality of magnets embeded in the member and light reflecting material disposed on the other face the support member.

Stern is cited for teaching the adhesive bonding of a magnetic sheet to a sheet lithographed with an image visible from the side opposite the magnetic sheet.

Marshall et al is cited for teaching details for a flexible magnetic display mat.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stevan Resan whose telephone number is 703-308-4287. The examiner can normally be reached on Tuesday-Friday; 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5436 for regular communications and 703-305-5436 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Examiner Resan/ng
July 26, 2002


STEVAN A. RESAN
PRIMARY EXAMINER